

SENATE BILL No. 355

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-3-3-2; IC 5-10.3-7-14.

Synopsis: Pension for the governor's surviving spouse. Authorizes the surviving spouse of a governor who: (1) was entitled to a retirement benefit from the public employees' retirement fund (PERF); but (2) died without making a retirement benefit election; to elect to receive a benefit from PERF or the governor's pension fund. Increases the minimum annual benefit a governor's surviving spouse may elect to receive from the governor's pension fund to \$23,800.

Effective: Upon passage.

Harrison

January 12, 2004, read first time and referred to Committee on Pensions and Labor.

C
o
p
y



Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 355

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-3-3-2, AS AMENDED BY P.L.195-1999,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. **(a)** The surviving spouse of each individual
4 who:

5 **(1)** serves as governor; and ~~who~~

6 **(2)** is entitled to a retirement benefit under section 1.1 of this
7 chapter;

8 is entitled to an annual pension.

9 **(b)** The pension **to which a governor's surviving spouse is**
10 **entitled under this section** shall be paid in equal monthly installments
11 by the treasurer of state on warrant of the auditor of state after a claim
12 has been made for the pension to the auditor by:

13 **(1)** the surviving spouse; or

14 **(2)** a person acting on ~~his~~ **behalf of the surviving spouse.**

15 **(c)** The annual pension **to which a governor's surviving spouse is**
16 **entitled under this section** is equal to ~~the following~~:

17 ~~(1) For the surviving spouse of a governor who died before July~~



C
o
p
y

1, 1998, the greater of:

(A) the annual retirement benefit received by the surviving spouse during the year beginning July 1, 1998; or

(B) ten thousand dollars (\$10,000).

(2) For the surviving spouse of a governor who dies after June 30, 1998, the greater of:

(A) (1) fifty percent (50%) of the annual retirement benefit that the governor to whom the surviving spouse was married was receiving or was entitled to receive **under this chapter** on the date of the governor's death; or

(B) ~~ten~~ (2) **twenty-three** thousand **eight hundred** dollars (\$10,000): **(\$23,800)**.

(d) The surviving spouse of each individual who serves as a governor must ~~elect to receive either (1) or (2) above and make the election required under subsection (c)(1) or (c)(2).~~ Once a surviving spouse has received any pension payment ~~has been received under this section,~~ the election is irrevocable.

~~The~~ (e) A governor's surviving spouse is entitled to receive the pension **provided under this section** for the remainder of his life unless ~~he~~ the surviving spouse remarries.

Notwithstanding any other law to the contrary, (f) **Except as provided in IC 5-10.3-7-14,** the pension **provided** under this section is in addition to any other retirement benefits a **governor's** surviving spouse is entitled to receive.

SECTION 2. IC 5-10.3-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~Governor's Waiver of Membership.~~ (a) A governor who makes an irrevocable choice under IC 4-3-3-1.1 to receive a retirement benefit other than the retirement benefit from the fund waives ~~his the~~ right to:

(1) membership in the fund; and to

(2) any benefit from the fund on and after the date of ~~his the~~ irrevocable choice.

(b) After the governor makes ~~that the~~ irrevocable choice ~~he~~ **under subsection (a), the governor** is entitled to withdraw in a lump sum from the fund the amount of ~~his the~~ contributions plus interest credited to ~~him:~~ the governor.

(c) If a governor who is eligible to receive a retirement benefit from the fund dies without making a choice of retirement benefit under IC 4-3-3-1.1, the governor's surviving spouse may elect to receive a retirement benefit from the fund or under IC 4-3-3-2. If the governor's surviving spouse elects to receive a retirement benefit other than the retirement benefit from the fund, the

C
o
p
y



1 governor's surviving spouse is entitled to withdraw in a lump sum
2 from the fund the amount of the contributions plus interest
3 credited to the governor.

4 SECTION 3. [EFFECTIVE UPON PASSAGE] IC 4-3-3-2 and
5 IC 5-10.3-7-14, both as amended by this act, apply to the surviving
6 spouse of a governor who dies before, on, or after the effective date
7 of this act.

8 SECTION 4. An emergency is declared for this act.

**C
o
p
y**

